

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TINA DIGAETANO,

Plaintiff,

Case No. 23-cv-12078
Hon. Matthew F. Leitman

v.

BLUE CROSS BLUE SHIELD
OF MICHIGAN,

Defendant.

/

**ORDER TERMINATING DEFENDANT'S INITIAL
MOTION FOR JUDGMENT ON THE PLEADINGS (ECF No. 11)
WITHOUT PREJUDICE AS MOOT**

On August 14, 2023, Plaintiff Tina DiGaetano filed this employment discrimination action against Blue Cross Blue Shield of Michigan. (*See* Compl., ECF No. 1.) Blue Cross thereafter filed a Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c). (*See* Mot., ECF No. 11.)

On March 27, 2024, without expressing any view regarding the merits of the Motion for Judgment on the Pleadings, the Court issued an order granting DiGaetano leave to file a First Amended Complaint in order to remedy the alleged deficiencies in her claims identified by Blue Cross. (*See* Order, ECF No. 14.) The Court informed the parties that if DiGaetano provided notice that she intended to file a First Amended Complaint, the Court would terminate Blue Cross' Motion for Judgment on the Pleadings without prejudice. (*See id.*)

On April 1, 2024, DiGaetano filed both a Notice that she intended to file a First Amended Complaint and a First Amended Complaint. (*See* Notice, ECF No. 14; First Am. Compl., ECF No. 15.) Accordingly, the Court **TERMINATES** Blue Cross' initial Motion for Judgment on the Pleadings (ECF No. 11) **WITHOUT PREJUDICE AS MOOT.**

IT IS SO ORDERED.

Dated: April 3, 2024

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 3, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126